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TAGS: [PREL](#) [MARR](#) [PHUM](#) [PINR](#) [ASEC](#) [FJ](#)

SUBJECT: FIJI UPDATE 1/19/07 - FATIAKI SUSPENDED; PRESIDENT
VALIDATES ALL MILITARY GOVERNMENT DECLARATIONS

REF: SUVA 37 AND PREVIOUS

Classified By: Ambassador Dinger per 1.5 (B) and (D)

Summary

1. (C) President Iloilo suspended Chief Justice Fatiaki and directed that investigations should be conducted into Fatiaki's actions in the aftermath of the 2000 coup. Iloilo decreed today that all decrees and decisions made by the military government when Bainimarama was "Acting President" are valid and remain in force. The suspect in the death of John Whippy at the Suva Yacht Club December 30 has been turned over to police. We do not know what charges will be brought against the suspect, widely reported to be Bainimarama's brother in law, the Commander of the Navy. End summary.

President Suspends Chief Justice Fatiaki

2. (C) President Iloilo suspended CJ Fatiaki 1/19 and issued a directive to investigate allegations that Fatiaki drafted decrees and provided legal advice in relation to 2000 coup. The Interim Attorney General said a Tribunal would be set up inquire into the allegations. CJ Fatiaki was placed on forced leave by the interim government earlier this month. Anthony Gates was named "Acting Chief Justice" January 16. (Comment: The ironies of the interim government investigating a judge for his alleged role in helping provide legal justification for the removal of an elected government, in Fatiaki's case allegedly the Chaudhry government, are staggering.)

Presidential Decree Validates Military Government Declarations

3. (C) In a classic case of "backdating," President Iloilo decreed today that all declarations, decrees and decisions made by the Fiji military and the military government between December 5 and January 4 are unconditionally ratified, validated and confirmed. January 4 was the day Bainimarama handed executive authority back to Iloilo. We hear that another decree may be forthcoming stating that no actions taken by the military during the "State of Emergency" are subject to legal review or penalty. All this is reportedly triggered by expectations that many people negatively affected by RFMF and interim-government actions are about to file lawsuits. One of the filers reportedly will be PM Qarase.

Corruption Commission Head to Be Named Soon

4. (C) Pacnews reports that Sekove Naqiolevu, former Chief

Magistrate of Fiji, and now serving as a high court judge in the Solomon Islands, is expected to be named Chairman of the new Anti-Corruption Commission announced by Bainimarama 1/18.

We had heard the same information independently yesterday. RFMF Deputy Commander Teleni is to be Deputy to the Chairman. The Commission is to report directly to President Iloilo. It appears obvious that the Commission will orient itself toward the civilian portions of government and not toward the RFMF's own checkered past.

Suspect in Whippy Death Now in Custody

15. (C) The Department of Public Prosecutions has determined that there is sufficient evidence to proceed with charges against the man alleged to have beaten to death John Whippy at the Suva Yacht club 12/30 after the wedding reception of Whippy's nephew and Commander Bainimarama's daughter. The suspect, widely reported to be Commander of the Navy Francis Keane, is now in police custody. (Keane is Mrs. Bainimarama's brother. Reportedly his tour at MFO Sinai ended abruptly when he bashed someone there. The Sinai incident clearly didn't damage his career.) We shall have to wait and see if murder, or some lesser charge, is brought. The military has been extremely sensitive to criticism about how this case has been handled. In a press release last week, the RFMF stated that "the military will not condone any irresponsible reporting and publication" about the case, saying such reporting would be "an incitement to instability."

DINGER